

REMARKS

Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Staten (U.S. Patent No. 1,097,824) and further in view of Ahmad (US 3,866,652), Panaroni (U.S. Patent No. 5,254,045) and Yunan (U.S. Patent No. 3,894,593). Withdrawl of the rejection and allowance of the application are respectfully requested in view of the comments below.

Staten is directed to a tubeless tire filled with a core of relatively large (i.e., “appreciable size”) solid tire particles of and adhesive material wherein the tire particles and adhesive material are assembled in a mold, vulcanized into a complete tire innard to which the tire casing is “forced into place under considerable pressure and by means of suitable clamps.” (see Staten col. 3, lines 34-36). Staten does not disclose or suggest a method of producing a tire with a substantially filed core comprising combining core bits and a liquid virgin polyurethane into a solution; and introducing the resulting solution into the core by passing the resulting solution through a valve located on the tire or pumping the resulting solution into a casing of the tire and permitting the resulting solution to cure within the tire.

Panaroni, Yunan, and Ahmad do not remedy the defects of Staten or suggest the claimed invention. Panaroni discloses dessicating rubber embedded into a polyurethane and then molding this into a tire. Panaroni does not teach or suggest a method of producing a tire with a substantially filed core comprising combining core bits and a liquid virgin polyurethane into a solution; and introducing the resulting solution into the core by passing the resulting solution through a valve located on the tire or pumping the resulting solution into a casing of the tire and permitting the resulting solution to cure within the tire. Yunan discloses a method of making a product by dumping shredded polyurethane foam and pneumacel fibers wetted with latex, into an open mold. Ahmad discloses a method of making tires filled with a mixture of liquid and hollow spheres.

One skilled in the art would not have combined these references because none of these references suggest such a combination. In making this combination, hindsight has been improperly used to take the invention’s disclosure as a blueprint for piecing together references without evidence of such a suggestion, teaching or motivation to combine them. *In re Dembiczak*, 50 USPQ2d 1614 (Fed. Cir. 1999); *Interconnect Planning Corp. v. Feil*, 227 USPQ 543, 547 (Fed. Cir. 1985); *In re Fritch*, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992); *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) (evidence of teaching or suggestion "essential" to avoid

hindsight). While the evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved (See, *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996)), it does not diminish the requirement that there be actual clear and particular evidence for the combination. *C.R. Bard, Inc. v. M3 Sys., Inc.*, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998). The office action provides nothing more than broad conclusory statements regarding the teaching of multiple references, which is legally insufficient evidence of a motivation to combine. *McElmurry v. Arkansas Power & Light Co.*, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993).


Additionally, even if combined, the combination of Panaroni, Yunan, and Ahmad with Staten does not arrive at the claimed invention because none of these references teach a method of producing a tire with a substantially filed core comprising combining core bits and a liquid virgin polyurethane into a solution; and introducing the resulting solution into the core by passing the resulting solution through a valve located on the tire or pumping the resulting solution into a casing of the tire and permitting the resulting solution to cure within the tire. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the above remarks, withdrawal of the rejection and issuance of a Notice of Allowance is requested.

Respectfully submitted,
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